

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**April 28, 2003**

At 9:29 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Callahan, Associate Justice; Hull, Associate Justice; and Guzman, bailiff. Calendar called.

**C041520 LOMELI v. DEPARTMENT OF CORRECTIONS and STATE PERSONNEL BOARD**

Cause called. Stephen A. Jennings argued for appellant. Timothy K. Talbot argued for respondent, Department of Corrections. Respondent, State Personnel Board, waived argument. Cause submitted.

At 9:49 a.m., the court recessed. At 9:54 a.m., the court reconvened with Callahan, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

**C038904 SPOTH v. SILTANEN and KORHONEN**

Cause called. Edward F. Mitchell argued for appellant. Brendan Ishikawa argued for respondent Siltanen. No appearance was made on behalf of respondent Spoth. Cause submitted.

At 10:24 a.m., the court recessed. At 10:28 a.m., the court reconvened with Blease, Associate Justice; Callahan, Associate Justice; and Hull, Associate Justice.

**C039340 BAUTISTA et al. v. COUNTY OF YOLO and PUBLIC EMPLOYEES RETIREMENT SYSTEM**

Cause called. Richard Chiurazzi argued for appellants. Allison P. Sandman appeared only and John D. Adkisson argued for respondent, County of Yolo and submitted additional citations. Meg Halloran, Deputy Attorney General, argued only for respondent Public Employees Retirement System. Cause submitted.

At 10:57 a.m., the court recessed until 9:30 a.m., Monday, May 19, 2003.

**C040464 THE PEOPLE v. WIEGANT (Not for Publication)**

The order of the trial court is affirmed, as modified.... The trial court shall forward a certified copy of said order to the San Joaquin County Probation Department.

RAYE, J.

We concur: Nicholson, Acting P.J.  
Callahan, J.



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**The Minutes**

**April 29, 2003, continued**

- C030120      EDWARDS v. BLUE SHIELD OF CALIFORNIA et al.**  
**(Not for Publication)**  
The judgment is affirmed. Defendants are awarded their costs on appeal.  
(Cal. Rules of Court, rule 27(a).)  
KOLKEY, J.  
We concur: Davis, Acting P.J.  
Callahan, J.
- C039463      BELL et al. v. PARECKI**  
**(Not for Publication)**  
The judgment is reversed. Plaintiffs shall recover their costs on appeal.  
HULL, J.  
We concur: Raye, Acting P.J.  
Robie, J.
- C040169      SANCHEZ v. SHASTA YOUTH CONNECTION**  
**(Not for Publication)**  
The order granting a new trial is reversed and the matter is remanded to  
the trial court with directions to reinstate the judgment. Plaintiff is awarded his  
costs on appeal.  
HULL, J.  
We concur: Nicholson, Acting P.J.  
Robie, J.
- C040867      WEST STANISLAUS FIRE PROTECTION DISTRICT v. COUNTY OF  
STANISLAUS et al.**  
**(Not for Publication)**  
The judgment of dismissal is affirmed. The request for judicial notice is  
denied.  
NICHOLSON, J.  
We concur: Blease, Acting P.J.  
Raye, J.
- C040986      NAMOWICZ, etc., et al. v. WHITTOCK et al.**  
**(Not for Publication)**  
The judgment is affirmed.  
HULL, J.  
We concur: Nicholson, Acting P.J.  
Robie, J.

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**The Minutes**

**April 29, 2003, continued**

**C041105      WELCH-BROWN v. STATE PERSONNEL BOARD et al. and STATE  
CONTROLLER'S OFFICE et al.                      (Not for Publication)**

The judgment is affirmed. The purported appeal from the order denying hearing on Welch-Brown's motion to enter default is dismissed. Respondents shall recover costs on appeal.

CALLAHAN, J.

We concur:    Blease, Acting P.J.  
                  Morrison, J.

**C040739      MARINE FORESTS SOCIETY et al. v. CALIFORNIA COASTAL COMMISSION  
BY THE COURT:**

Appellants' petition for rehearing is denied.

DAVIS, J.

I would grant the petition for rehearing.

SCOTLAND, P.J.

**C041089      THE PEOPLE v. HUFFINES  
BY THE COURT:**

Appellant's petition for rehearing is denied.

SCOTLAND, P.J.

**April 30, 2003**

At 10:27 a.m., the court met at Quincy High School, Quincy, California for a special court calendar session. Present: Scotland, Presiding Justice; Nicholson, Associate Justice; Hull, Associate Justice; and Miller, bailiff. At 10:32 a.m., the Calendar was called.

**C035266      HANES v. WORKING et al.**

Cause called. Michael J. Treeza argued for appellant. John Dahlberg argued for respondent Working. James R. Donahue argued for respondents Griswold, et al. Cause submitted.

At 11:09 a.m., the court recessed. At 11:12 a.m., the court reconvened.

**C037197      THE PEOPLE v. FRANKLIN**

Cause called. Robert D. Bacon, court appointed counsel, argued and Robert Zemich appeared only for appellant. Janet E. Neeley, Deputy Attorney General, argued for respondent. Cause submitted.

At 12:13 p.m., the court recessed until 9:30 a.m., Monday, May 19, 2003.

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**The Minutes**

**April 30, 2003, continued**

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| <b>C037810</b> | <b>THE PEOPLE v. VIGIL</b><br>The judgment is affirmed.<br>SCOTLAND, P.J.<br>We concur: Davis, J.<br>Kolkey, J.   | <b>(Not for Publication)</b> |
| <b>C039775</b> | <b>THE PEOPLE v. HESS</b><br>The judgment is affirmed.<br>Blease, Acting P.J.<br>We concur: Callahan, J.<br>Robie, J.   | <b>(Not for Publication)</b> |
| <b>C040146</b> | <b>THE PEOPLE v. GARCIA</b><br>The judgment is affirmed.<br>RAYE, J.<br>We concur: Sims, Acting P.J.<br>Kolkey, J.  | <b>(Not for Publication)</b> |
| <b>C040424</b> | <b>THE PEOPLE v. EWING</b><br>The judgment is affirmed.<br>SIMS, Acting P.J.<br>We concur: Raye, J.<br>Morrison, J.   | <b>(Not for Publication)</b> |
| <b>C040519</b> | <b>THE PEOPLE v. OSTRANDER</b><br>The judgment is affirmed without prejudice to the filing of a habeas corpus petition in the superior court raising any claims regarding defense counsel's alleged incompetence.<br>RAYE, J.<br>We concur: Blease, Acting P.J.<br>Sims, J. | <b>(Not for Publication)</b> |
| <b>C041307</b> | <b>THE PEOPLE v. LANDRY</b><br>The judgment is affirmed.<br>MORRISON, J.<br>We concur: Blease, Acting P.J.<br>Robie, J.   | <b>(Not for Publication)</b> |
| <b>C041415</b> | <b>THE PEOPLE v. OLDHAM</b><br>The judgment is affirmed.<br>MORRISON, J.<br>We concur: Davis, Acting P.J.<br>Kolkey, J.   | <b>(Not for Publication)</b> |

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**April 30, 2003, continued**

- C041435      THE PEOPLE v. MUNDO      (Not for Publication)**  
The judgment is affirmed. The trial court is directed to correct the abstract of judgment to delete the drug program fee, to state that the drug laboratory analysis fee is \$50, and to specify a \$50 state penalty assessment and \$35 county penalty assessment on the drug laboratory analysis fee. The trial court is further directed to forward a certified copy of the corrected abstract to the Department of Corrections.  
SCOTLAND, P.J.  
We concur:    Sims, J.  
                 Robie, J.
- C042226      THE PEOPLE v. JOHNSON      (Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We concur:    Blease, Acting P.J.  
                 Robie, J.
- C042557      THE PEOPLE v. LYNCH      (Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We concur:    Blease, Acting P.J.  
                 Robie, J.
- C035814      OPONG-MENSAH v. JACKSON et al.      (Not for Publication)**  
The judgment is affirmed. Plaintiff shall reimburse defendants for their costs on appeal. (Cal. Rules of Court, rule 27 (a).)  
SCOTLAND, P.J.  
We concur:    Callahan, J.  
                 Robie, J.
- C040887      VASQUEZ v. DEPARTMENT OF MOTOR VEHICLES      (Not for Publication)**  
The judgment is affirmed.  
Hull, J.  
We concur:    Blease, Acting P.J.  
                 Robie, J.
- C041745      McCLELLAN v. McCLELLAN      (Not for Publication)**  
The order is affirmed.  
KOLKEY, J.  
We concur:    Sims, Acting P.J.  
                 Robie, J.

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**The Minutes**

**April 30, 2003, continued**

**C040730      In re M.J. et al.; CHILDREN'S SERVICES DIVISION v. M.J., SR.  
(Not for Publication)**

The orders of the juvenile court granting CSD's petition for modification and terminating appellant's parental rights are reversed. The matter is remand for a new hearing on the section 388 petition to allow appellant to present evidence regarding the propriety of the minors' placement in the out-of-county homes. If, after the new hearing on the section 388 petition, the juvenile court grants CSD's petition for modification, then the juvenile court shall reinstate the orders terminating parental rights without conducting a new evidentiary hearing pursuant to section 366.26. The minors shall not be moved from their current placement absent juvenile court order.

MORRISON, J.

I concur:      Raye, J.

I agree that the juvenile court erred in failing to provide the minors' father with adequate notice of the section 388 hearing. But for reasons that follow, I conclude the error does not require reversal of the judgment terminating the father's parental rights...

...I would affirm the orders terminating the father's parental rights and freeing the minors for adoption.

SCOTLAND, P.J.

**C041780      In re D.B. et al.; DEPARTMENT OF SOCIAL SERVICES v. VALERIE B.  
(Not for Publication)**

The orders of the juvenile court are affirmed.

MORRISON, J.

We concur:      Blease, Acting P.J.

Callahan, J.

**C042451      In re DAKOTA B.; SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES  
v. JAMES B.      (Not for Publication)**

The juvenile court's order terminating appellant's parental rights is affirmed.

KOLKEY, J.

We concur:      Davis, Acting P.J.

Morrison, J.

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We concur:     Blease, Acting P.J.  
                      Callahan, J.

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**May 2, 2003**

We concur: Davis, Acting P.J.  
Hull, J.